

CHRISTINE N. MOORE, OSB NO. 060270

christine@richardsonwright.com

JASON WRIGHT, OSB NO. 062168

jason@richardsonwright.com

MELINA MARTINEZ, OSB NO. 162415

melina@richardsonwright.com

RICHARDSON WRIGHT LLP

805 SW Broadway, Suite 470

Portland, OR 97205

Telephone: (503) 546-4637

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

RUMPAKIS FAMILY TRUST, with MIKE
K.J. RUMPAKIS and LOUISE B.
RUMPAKIS, acting in their capacity as co-
trustees of the RUMPAKIS FAMILY
TRUST,

Plaintiffs,

v.

REGENT INSURANCE COMPANY, a
Wisconsin Corporation,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

For its complaint against defendant Regent Insurance Company, plaintiffs Rumpakis Family Trust with Mike K.J. Rumpakis and Louise B. Rumpakis acting in their capacity as co-trustees of the Rumpakis Family Trust (hereinafter collectively as “Plaintiff”), by and through undersigned counsel, alleges as follows:

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PARTIES

1. Mike K.J. Rumpakis and Louise B. Rumpakis are individuals domiciled in the State of Oregon, and are co-trustees of the Rumpakis Family Trust.

2. The Rumpakis Family Trust is a trust with an ownership interest in the insured property, including during the time the relevant insurance policies were in place.

3. Regent Insurance Company (“Regent Insurance”) is a corporation organized under the laws of the state of Wisconsin, with its principal place of business in Sun Prairie, Wisconsin. At all material times, Regent Insurance was licensed to issue, and did issue, insurance policies in Oregon.

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over all parties because Regent Insurance regularly transacts business in Oregon, and sold the subject insurance policies in Multnomah County, Oregon.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 (Diversity of Citizenship) as there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum of \$75,000.00, and pursuant to 28 U.S.C. § 2201 (Declaratory Judgment).

6. Venue in the District of Oregon, Portland Division, is proper pursuant to 28 U.S.C. § 1391(b)(2) and Local Rule 3-2(b) because the events giving rise to Plaintiff’s claim for declaratory judgment occurred in the Portland Division, including the issuance of the insurance policies at issue; and because the insured real property is located in Multnomah County, Oregon.

FACTUAL ALLEGATIONS

7. The Rumpakis Family Trust has an ownership interest in the building located at 307 SE Washington St., Portland, Oregon (“the Building”).

8. Regent Insurance issued to Plaintiff a series of insurance policies in effect from March 2018 through present (the “Regent policies”).

9. The Regent policies covered the Building for property damage pursuant to the terms contained in the Regent policies.

10. The Building sustained property damage while one or more of the Regent policies were in effect.

11. Plaintiff submitted a claim under the Regent policies for the property damage to the Building (“the Claim”). With the Claim, Plaintiff requested that Regent Insurance execute a tolling agreement.

12. Regent Insurance has not substantively responded to the Claim or the request for a tolling agreement.

13. The property damage sustained at the Building is covered under the Regent policies.

14. This lawsuit is being filed to preserve Plaintiff’s property claims for loss or damage sustained at the Building. To the extent Regent Insurance enters into a tolling agreement with Plaintiff, then Plaintiff would be amenable to staying or dismissing this lawsuit without prejudice. Plaintiff expressly reserves all rights to amend to assert breach of contract and other claims to the extent that Regent Insurance denies coverage or delays its investigation and coverage determination.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Declaratory Judgment)

15. Plaintiff incorporates all of the preceding paragraphs as if fully stated herein.

16. An actual and justiciable controversy exists between the parties concerning the rights and obligations under the Regent policies.

17. Plaintiff seeks a declaration that there is coverage for the property damage at the Building under the terms of the Regent policies.

WHEREFORE, Plaintiff requests the following relief:

- A. Entry of an Order of Declaratory Judgment as described in paragraph 16; and
- B. For Plaintiff's costs and disbursements incurred herein and such other and further relief as this Court deems just and proper.

DATED: July 31, 2020

RICHARDSON WRIGHT LLP

By: /s/ Christine N. Moore
Christine N. Moore, OSB No. 060270
christine@richardsonwright.com
Jason Wright, OSB No. 062168
jason@richardsonwright.com
Melina Martinez, OSB No. 162415
melina@richardsonwright.com
Telephone: (503) 546-4637
Attorneys for Plaintiffs

Trial Attorney: Jason Wright